

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

TROY ALLEN KRUEGER,

Plaintiff,

v.

GREGORY VAN RYBROEK,

Defendant.

ORDER

21-cv-487-wmc

Plaintiff Troy Allen Krueger, appearing pro se, is an involuntarily civilly committed patient at the Mendota Mental Health Institute (MMHI). Because his complaint was deficient, the court ordered him to file an amended complaint by September 15, 2022. Dkt. 10. On September 12, 2022, Krueger filed a document stating that: (1) he wished to pursue his claim in the future; (2) MMHI does not have a computer that patients can use to look up cases; (3) MMHI staff has not responded to his requests for the first name of an individual mentioned in his complaint and copies of the cases cited in the order to amend; and (4) he wants to “retain” a lawyer. Dkt. 11.

I will construe this document as a motion for extension of time to file an amended complaint. Although Krueger states that he wishes to pursue his claim in the future, the court does not construe this statement as a notice of voluntary dismissal. It appears that Krueger is alleging that he cannot file an amended complaint because he lacks the information necessary to do so.

The court will grant Krueger’s implied request for an extension of time to file an amended complaint in part. Although Krueger suggests that he does not have the information necessary to file an amended complaint, the court ordered him to file it on the court’s form,

which only requires Krueger to plead facts. So Krueger has not shown that the challenges he allegedly faces in conducting legal research have stopped him from filing an amended complaint. Also, while it is preferable for Krueger to provide Muhammad's full name, he can still potentially state a claim against him by listing "Muhammad" as a defendant in the caption of the amended complaint. Even though Krueger has not shown that he lacks the information necessary to file an amended complaint, I will give him an additional 10 days to do so. As a result, his amended complaint is now due by Monday, September 26, 2022.

Krueger also wants to retain counsel, which I construe as a motion for assistance in recruiting counsel. In the order for an amended complaint, the court denied his previous request for counsel. The court instructed Krueger that, if he wished to renew his motion for assistance in recruiting counsel, he would have to specifically explain what litigation tasks would be too difficult for him to complete. Krueger has not done so. Nor has he submitted letters from at least three attorneys who have refused to take his case. So I will deny this motion without prejudice.

ORDER

IT IS ORDERED that:

1. Plaintiff's response to the court's order to amend, Dkt. 11, is GRANTED IN PART AND DENIED IN PART.
2. Plaintiff may have until September 26, 2022, to file an amended complaint. All other provisions of the court's August 26 order to amend shall remain in full force.
3. If plaintiff does not comply with the August 26 order to amend or this order, the court will dismiss the case for any appropriate reason.

4. The clerk of court is directed to send plaintiff a copy of this order.

Entered this 15th day of September, 2022.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge